

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of: *Beesley et al.*

Application No.: 10/500,662

371 Date: February 10, 2995

For: ASSAY DEVICE

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Confirmation No.: 2468

Art Unit: 1641

Examiner: B. T. L. Nguyen

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.181(a) FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

Sir:

The Office issued a Notice of Abandonment on May 17, 2007 alleging that the above-referenced application became abandoned for failure to timely file a proper reply of the Office Action mailed on November 2, 2006.

Applicants ask the Office to reconsider and withdraw the holding of abandonment because they filed a proper reply to the Office Action on May 2, 2007. The reply was filed using EFS-Web. A copy of the electronic acknowledgment receipt evidencing that filing is attached to this petition. Review of the Image File Wrapper for this application will reveal that the Office did, in fact, receive the reply on May 2, 2007. Page 1 of the reply authorized the Commissioner to charge any required fee to Deposit Account No. 06-1448. This authorization constituted a “constructive petition for an extension of time” of 3 months under 37 C.F.R. § 1.136(a)(3). Therefore, the reply was timely filed, and no abandonment occurred in fact.

The Commissioner is authorized to charge any fee required by the filing of this paper to Deposit Account No. 06-1448, ref. ISA-026.01.

Respectfully submitted,

Dated: June 7, 2007

By /SCOTT E. KAMHOLZ/  
Scott E. Kamholz, Reg. No.: 48,543  
FOLEY HOAG LLP  
155 Seaport Blvd  
Boston, Massachusetts 02210  
(617) 832-1176  
Attorney for Applicant

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1736754
<b>Application Number:</b>	10500662
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	2468
<b>Title of Invention:</b>	Assay device
<b>First Named Inventor/Applicant Name:</b>	Natalie Elizabeth Beesley
<b>Customer Number:</b>	63767
<b>Filer:</b>	Scott Ethan Kamholz
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	ISA-026.01
<b>Receipt Date:</b>	02-MAY-2007
<b>Filing Date:</b>	10-FEB-2005
<b>Time Stamp:</b>	14:03:50
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1		ISA-02601_Amendment_B.pdf	38172	yes	7

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment - After Non-Final Rejection	1	1
	Claims	2	5
	Applicant Arguments/Remarks Made in an Amendment	6	7

**Warnings:**

**Information:**

<b>Total Files Size (in bytes):</b>	38172
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.